

INTRODUCED BY MR. BARTLETT,

(By request)

JANUARY 14, 1915.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

AN ACT

AUTHORIZING AND REGULATING THE PRACTICE OF CHIROPRACTIC IN THE STATE OF CALIFORNIA; CREATING A STATE BOARD OF CHIROPRACTIC EXAMINERS; PROVIDING FOR THE APPOINTMENT OF THE SAME; DEFINING ITS POWERS, DUTIES AND EMOLUMENTS; TO PROVIDE A STANDARD OF EDUCATION FOR CHIROPRACTORS; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT; TO PROVIDE FOR THE EXAMINATION AND LICENSING OF CHIROPRACTORS IN THE STATE OF CALIFORNIA, AND TO REPEAL ANY OR ALL PARTS OF ANY ACT OR ACTS IN CONFLICT WITH THIS ACT.

The people of the State of California do enact as follows:

- 1 SECTION 1. A board is hereby created and established to
- 2 be known as the board of chiropractic examiners of the State
- 3 of California. Said board shall be composed of six (6) per-
- 4 sons who are graduates of and hold diplomas issued to them
- 5 by a legally chartered school or college of chiropractic, which
- 6 said school or college shall have had, at the time of the issu-
- 7 ance of said diploma, a residence course of not less than two
- 8 months, and each of said persons shall present to the governor
- 9 satisfactory evidence of good moral character and integrity,

and shall have been a citizen of and practicing chiropractic in the State of California for a period of not less than one year next preceding the date of the going into effect of this act; *provided, however*, that the requirement of the practice of chiropractic in the State of California for a period of not less than one year next preceding the going into effect of this act shall apply only to those persons who shall be appointed to membership on said board, on or before the first Tuesday in September, 1915. No person who holds a diploma issued to him by any school or college, which said school or college teaches any science or profession which has particularly to do with the health of human beings, or who shall practice any science or profession, which said science or profession shall have particularly to do with the health of human beings other than that specified and set forth in this section, shall be eligible to appointment on said board; and appointments shall be so made that no more than two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic.

SEC. 2. The governor of the State of California shall, on or before the first Tuesday in September, 1915, appoint six (6) chiropractors who shall possess the qualities and qualifications as specified and set forth in section 1 of this act, to constitute the membership of said state board of chiropractic examiners; tenure in office of said members shall be so arranged as to time that two shall serve one year, two shall serve two years and two shall serve the full term of three years. Annually thereafter, or as there may be vacancies on said board, the governor shall appoint members who shall be selected from among those licensed under and by virtue of this act, and who shall possess the qualities and qualifications as specified and set forth in section 1 of this act. No person in any manner owning any interest in any school, college or institution engaged in chiropractic instruction shall be appointed to said board. The governor shall have the power to remove any member of the board for neglect of duty, incompetency, continued refusal or failure to act in his official

capacity on said board, or for unprofessional conduct. Each appointee shall, before entering upon the duties of his office, take the constitutional oath of office.

SEC. 3. Within thirty days after their appointment, and annually thereafter, said board of examiners shall convene and elect from its members a president, secretary and treasurer. Said board shall meet, for the examination of applicants for license to practice chiropractic, on or before the first Tuesday in April and October of each year; *provided, however*, that additional or adjourned meetings may, at the discretion of the board, be held at any county seat in the state. Notice of each regular or special meeting shall be given twice each week for two weeks next preceding each such meeting in one daily newspaper published in the city of San Francisco, one published in the city of Sacramento, one published in the city of Los Angeles and one published in the city of San Diego, which notices shall specify the time and place of meeting for the examination of applicants. The board shall receive, through its secretary, applications for license to practice chiropractic to be issued as provided in this act; and shall, on or before the first day of January of each year transmit to the governor of the State of California, a full report of all its proceedings, together with a report of its receipts and disbursements for the year next preceding such report. The board shall, on or before the first day of January of each year, compile a complete directory giving the names and addresses of all persons who hold unrevoked licenses to practice chiropractic in this state, said licenses having been issued under and by virtue of this act. Said directory shall contain in addition to the names and addresses of said persons, the name or symbol, or name and symbol, or names or symbols, or names and symbols indicating the title or degree, or titles or degrees, and the name or names of the school or schools, or college or colleges having conferred such degrees or titles upon each of said persons, and the date of issuance, by the board, of said licenses. It shall be the duty of any person holding license

1 under this act, to report immediately each change of address,
2 giving both the old and new address.

3 SEC. 4. The office of the board shall be in the city of Sacra-
4 mento, and in all legal proceedings against the board said city
5 shall be deemed the residence of the members thereof.

6 SEC. 5. The board shall adopt a seal, which shall be affixed
7 to all licenses issued by it, and may from time to time adopt
8 such rules as may be necessary to enable said board to carry
9 into effect the provisions of this act. It shall require the
10 affirmative vote of three members of said board to carry any
11 motion or resolution, to adopt any rule, to pass any measure,
12 or to authorize the issuance of any certificate provided for in
13 this act. The board shall issue a certificate to any applicant
14 who shall pass the examination required by the terms of this
15 act. Any member of the board may administer oaths in any
16 matter pertaining to the duties of the board, and the board
17 shall have authority to take evidence in any matter cognizable
18 by it. The board shall keep a record of all its proceedings, a
19 part of which record shall consist of a register of all applica-
20 tions for license to practice chiropractic, and the action of the
21 board upon each such application.

22 SEC. 6. The board is authorized to prosecute all persons
23 guilty of violation of this act, and shall have power to employ
24 legal counsel for such purposes, and shall employ such clerical
25 assistance as it may deem necessary. The board shall fix the
26 salary of the secretary not to exceed the sum of twelve hun-
27 dred (\$1,200.00) dollars per annum, and the sum to be paid
28 to other members of the board not to exceed ten (\$10.00) per
29 diem each for each and every day of actual service in the dis-
30 charge of official duties of said board, and the board may at
31 its discretion add to said sum actual necessary traveling
32 expenses of members to and from the place of the meeting of
33 the board.

34 SEC. 7. All fees collected on behalf of the state board of
35 chiropractic examiners of California, and the receipts of all
36 funds of every kind and nature shall be reported at the
37 beginning of each month for the month preceding to the state

1 controller, and at the same time the entire amount of such
2 collections shall be paid into the treasury of the state and shall
3 be credited to a fund to be known as the state board of chiro-
4 practic examiners' contingent fund, which fund is hereby
5 created. Said contingent fund shall be for the use of the
6 state board of chiropractic examiners, and out of it shall be
7 paid all salaries and other expenses necessarily incurred in
8 carrying into effect the provisions of this act. An amount not
9 to exceed one thousand (\$1,000.00) dollars may be drawn from
10 the contingent fund herein created, said amount to be used
11 as a revolving fund where cash advances are necessary. All
12 expenditures from said revolving fund shall be substantiated
13 by vouchers and itemized statements at the end of each fiscal
14 year or at any other time when demand therefor is made by
15 the board of control.

16 SEC. 8. Every applicant for a license to practice chiro-
17 practic shall pay to the secretary of the board a fee of twenty-
18 five (\$25.00) dollars, which shall be paid to the treasurer of
19 the board by the secretary thereof. In case the applicant's
20 credentials are insufficient, or in case he does not take the
21 examination, the sum of fifteen (\$15.00) dollars shall be
22 returned to said applicant.

23 SEC. 9. One form of certificate shall be issued by the
24 board of chiropractic examiners of the State of California,
25 which said certificate shall be designated "license to practice
26 chiropractic," and shall authorize the holder thereof to prac-
27 tice chiropractic in the State of California; provided, however,
28 that said certificate shall not authorize the holder thereof to
29 administer any drug or drugs, or what are known as medicinal
30 preparations, to, or in any manner penetrate or sever the
31 tissues of, human beings, or to practice obstetrics.

32 SEC. 10. Every applicant for license must file with the
33 board at least two weeks prior to the regular or special meet-
34 ing thereof, satisfactory evidence of good moral character, and
35 every applicant must show that he has attended two courses
36 of study, each such course to have been of not less than thirty-
37 two weeks duration and not less than twelve hundred hours

1 for each of said courses, or a total time of not less than sixty-
 2 four weeks and twenty-four hundred hours; *provided, how-*
 3 *ever,* that said courses shall not necessarily have been pursued
 4 continuously or consecutively, but that ten months shall have
 5 intervened between the beginning of any course and the be-
 6 ginning of the preceding course. Every application shall be
 7 made upon a form furnished by the board, which form shall
 8 contain such information concerning the instruction and the
 9 preliminary education of the applicant as this act provides;
 10 *provided, however,* that nothing in this section shall be con-
 11 strued as to apply to applicants for examination as set forth
 12 in section 19 of this act. In addition to the requirements
 13 hereinbefore provided, on or after the first day of January,
 14 1919, applicants for license under this act shall present to
 15 said chiropractic examining board a diploma from a Cali-
 16 fornia high school or other school in the State of California,
 17 requiring a full four years' course of same grade, or other
 18 schools elsewhere requiring and giving a full four years'
 19 standard high school course; *provided, however,* if such appli-
 20 cant be thirty years or more of age, he may show to the satis-
 21 faction of said board proof of preliminary education
 22 equivalent in training power to the foregoing requirements.
 23 Every applicant shall make affidavit, stating that each and
 24 every statement made in, and all entries made upon, the appli-
 25 cation presented by him to said board, are correct and true.

26 SEC. 11. Applicants for certificates as issued under this
 27 act, except as hereinafter provided and set forth in section 19
 28 of this act, shall file satisfactory evidence of having pursued
 29 in a legally chartered school or college of chiropractic in which
 30 the course of instruction covered and included at the time of
 31 his attendance in said school or college, the following minimum
 32 requirements, to wit:

33	Group 1 —700 hours:	
34	Anatomy -----	600 hours
35	Histology -----	100 hours

1	Group 2 —440 hours:	
2	Physiology -----	400 hours
3	Toxicology -----	40 hours
4	Group 3 —310 hours:	
5	Pathology -----	240 hours
6	Bacteriology -----	70 hours
7	Group 4 —390 hours:	
8	Diagnosis -----	350 hours
9	Hygiene -----	40 hours
10	Group 5 —560 hours:	
11	Theory -----	} 560 hours
12	Practice -----	
13	Technic -----	
14		
15	Total -----	2400 hours

16 In the course of study as herein outlined, the hours specified
 17 shall be actual work in the class-room, laboratory, clinic or
 18 hospital, and at least eighty per cent of actual attendance
 19 shall be required; *provided, however,* that the hours herein
 20 required in any one subject need not exceed seventy-five per
 21 cent of the number specified, but that the total number of
 22 hours in all subjects of each group shall not be less than the
 23 total number specified for such group.

24 SEC. 12. Applicants for certificate of license as provided
 25 for in this act, except as is set forth in section 19 hereof, shall
 26 pass an examination in the following subjects, to wit:

- 27 1. Anatomy and histology.
- 28 2. Physiology and toxicology.
- 29 3. Pathology and bacteriology.
- 30 4. Diagnosis and hygiene.
- 31 5. Theory, practice and technic.

32 All examinations shall be practical in character and shall be
 33 according to the teachings of chiropractic, and designed to
 34 ascertain the fitness of the applicant to practice chiropractic;
 35 and shall be conducted in the English language, and at least a
 36 portion of the examination in each subject shall be in writing.
 37 There shall be at least ten questions on each subject, the answers

1 to which shall be marked on a scale of zero to ten on each
2 question. Each applicant shall obtain no less than a general
3 average of seventy-five per cent, and not less than sixty
4 per cent on any two subjects; *provided*, that any applicant
5 shall be granted a credit of one per cent upon the general
6 average for each year of actual practice since graduation.
7 The examination papers shall form a part of the records of
8 the board and shall be kept on file by the secretary for a period
9 of one year after each examination. In said examination the
10 applicant shall be known and designated by number only,
11 said number to be assigned by the secretary of the board, and
12 the name attached to the number shall be kept secret until
13 after the board has finally voted upon the application. The
14 secretary of the board shall in no instance participate as an
15 examiner in any examination held by the board, nor vote upon
16 any application for a certificate of license. All questions
17 which examination is required under this act shall be provided
18 by the board upon the morning of the day upon which exami-
19 nations are given in said subjects; and when it shall be shown
20 that the secretary or any member of the board has in any
21 manner given information, in advance of or during examina-
22 tion, to any applicant, it shall be the duty of the governor
23 to remove such person from the board of examiners or from the
24 office of secretary.

25 SEC. 13. Said board shall revoke the certificate of license
26 issued under this act to any person guilty of unprofessional
27 conduct. Said board shall adopt rules of practice and pro-
28 cedure pursuant to and under and by virtue of the laws of the
29 State of California, by which any person charged with unpro-
30 fessional conduct may be tried. In every instance where
31 a person is charged with unprofessional conduct, such person
32 before suspension or revocation of his license, shall be cited
33 to appear and be given an opportunity to defend himself
34 with counsel or otherwise in said trial by said board. In the event
35 the certificate of license of any person is revoked or suspended,
36 the secretary shall enter upon the register the fact of such
37 suspension or revocation, under the seal of the board, to

1 county clerk of the county or counties in which the certificate
2 of the person whose certificate has been revoked is recorded at
3 the time of such revocation. The words "unprofessional con-
4 duct," as used in this act, are hereby declared to mean:

5 *First*—The procuring or aiding or abetting in the procuring
6 of a criminal abortion.

7 *Second*—The willfully betraying of a professional secret.

8 *Third*—All advertising which is intended to or has a tend-
9 ency to deceive the public or impose upon credulous or igno-
10 rant persons and so be harmful or injurious to the public
11 morals or safety, or the advertising of a chiropractor that he
12 is practicing medicine, surgery, osteopathy or any other system
13 of mode of treating the sick or afflicted in the State of Califor-
14 nia, for which he does not at the time of so doing hold an unre-
15 voked certificate of license to practice such system or method
16 issued to him by a board, which said board has been legally
17 constituted and established by law in the State of California.

18 *Fourth*—All advertising of any means whereby the monthly
19 periods of women can be regulated or the menses reestablished
20 if suppressed.

21 *Fifth*—Conviction of any offense involving moral turpitude,
22 in which case the record of such conviction shall be prima facie
23 evidence.

24 *Sixth*—Habitual intemperance.

25 *Seventh*—The personation of another licensed chiropractor.

26 *Eighth*—The use, by the holder of a license issued under this
27 act, in any sign or advertisement in connection with his prac-
28 tice, of any fictitious name.

29 *Ninth*—The use by a holder of a license to practice chiro-
30 practic of any drug or what is known as a medicinal prepara-
31 tion in or upon the body of human beings, or the puncturing or
32 severing of the tissues of the body or bodies of human beings.

33 *Tenth*—Advertising, directly, indirectly or in substance,
34 upon any card, sign, newspaper advertisement, or other written
35 or printed sign or advertisement, that the holder of such cer-
36 tificate or any other person, company, or association by which
37 he is employed, or in whose service he is, will treat, cure, or

1 attempt to treat or cure any venereal disease, or will treat or
2 cure, or attempt to treat or cure any person afflicted with
3 any venereal disease, lost manhood, sexual weakness; or being
4 employed by, or being in the service of any person, company
5 or association so advertising.

6 *Eleventh*—The use by the holder of a license to practice
7 chiropractic, of the letters M.D. or the words "doctor of medi-
8 cine" or the term "physician and surgeon," or the term "sur-
9 geon" or the term "physician," or the word "osteopath," or
10 the letters "D.O.," or any other letters, prefixes or suffixes the
11 use of which would indicate that he was practicing a profession
12 for which he held no license from the State of California.

13 *Twelfth*—The procuring of a certificate, as issued under this
14 act, by fraud or misrepresentation.

15 SEC. 14. Every person holding a certificate of license author-
16 izing him to practice chiropractic as set forth in this act shall
17 file said certificate of license for record in the office of county
18 clerk of the county or counties in which the holder thereof
19 shall practice, and the fact of such recordation shall be endorsed
20 on said certificate by the clerk of the county or counties in
21 which said certificate of license is recorded. Any person who
22 shall practice chiropractic in any county within the State of
23 California without first having filed his certificate with the
24 county clerk or clerks of the county or counties in which said
25 person shall practice as provided herein shall be guilty of a
26 misdemeanor and shall be punished by a fine of not more than
27 one hundred (\$100.00) dollars, or by imprisonment of not more
28 than sixty days or by both such fine and imprisonment.

29 SEC. 15. The clerk of the several counties shall keep in a
30 book provided for the purpose a complete list of all certificates
31 of license as provided in this act, and the dates of filing of said
32 certificates, and said record shall be open to the public for
33 inspection during office hours.

34 SEC. 16. Any person who shall practice, or attempt to prac-
35 tice, or who shall advertise or hold himself out as practicing
36 chiropractic in the State of California without having at the
37 time of so doing a valid and unrevoked certificate as provided

1 in this act, or who shall in any sign or advertisement use the
2 letters "D.C.," or the words "doctor of chiropractic," or the
3 term "chiropractor," or any other letter or letters, or word
4 or words, or combination of letters or words indicating thereby
5 that he is practicing, or entitled to practice chiropractic in the
6 State of California, without having at the time of so doing a
7 valid and unrevoked certificate as provided in this act, shall
8 be guilty of a misdemeanor and upon conviction thereof shall
9 be punished by a fine of not more than five hundred (\$500.00)
10 dollars, or by imprisonment in the county jail for a term
11 of not more than one hundred and eighty (180) days, or by both
12 such fine and imprisonment. Upon conviction of a person for
13 violation of this act, the fine, when collected, shall be paid
14 to the state treasurer and a report thereof made to the state
15 controller.

16 SEC. 17. Nothing in this act shall be construed to prohibit
17 services in case of emergency, or the domestic administration
18 of chiropractic, nor shall this act apply to any chiropractor
19 from any other state or territory who is actually consulting
20 with a licensed chiropractor in this state; *provided*, that such
21 consulting chiropractor shall not open an office or appoint a
22 place to receive patients within the limits of this state.

23 SEC. 18. Any person of good moral character, who holds a
24 diploma issued to him by a legally chartered school or college
25 of chiropractic, and who shall have resided within the State of
26 California for a period of not less than one year next preced-
27 ing the date of the first meeting of the board of chiropractic
28 examiners of the State of California, and who shall make appli-
29 cation to said board six months after the going into effect of
30 this act shall be given an oral, practical and clinical examina-
31 tion; *provided, however*, that any person of good moral char-
32 acter who shall have matriculated in any school or college of
33 chiropractic prior to the date of the passage and approval of
34 this act, and who shall not graduate until after the date of
35 the going into effect of this act, shall upon application as set
36 forth herein be examined according to the provisions of this
37 section. If such applicant fail to pass said oral, practical and

1 clinical examination, and so desires, he may be re-examined
2 without additional expense at the first subsequent meeting of
3 the board, said re-examination or as much as possible thereof,
4 to be in writing. Any person of good moral character, who has
5 represented himself to be, and has been actually engaged in
6 the practice of chiropractic in the State of California for a
7 period of not less than two years next preceding the date of
8 the going into effect of this act, shall be entitled to and may
9 take the examination as set forth in this section; *provided,*
10 *however,* that he make application to the board for examination
11 within six months after the date of the going into effect of this
12 act, and in making such application shall have set forth therein
13 and given the following information, to wit: The full name
14 and address of the applicant, the length of time and where he
15 has been engaged in the practice of chiropractic in this state, in
16 what manner and from whom he received his instruction and
17 training in chiropractic, and the nature and character of any or
18 all of the methods used by said applicant in relation to the
19 health of human beings.

20 SEC. 19. Any person who holds an unrevoked certificate to
21 practice chiropractic, which said certificate was issued to said
22 person by a chiropractic examining board, or by any other
23 board or officer authorized by law to issue a license entitling
24 the holder thereof to practice chiropractic in the District of
25 Columbia, or in any state or territory of the United States,
26 with proof satisfactory to the board of chiropractic examiners
27 of the State of California that the copy of said certificate pre-
28 sented to said board is a true and correct copy, shall upon the
29 presentation of said certificate or a copy thereof, to the board
30 of chiropractic examiners of the State of California be entitled
31 to and shall receive a certificate of license to practice chi-
32 practice in the State of California without examination; *pro-*
33 *vided, however,* that the requirements of the said chiropractic
34 examining board, or other board or officer of the state having
35 issued said certificate were in no degree or particular less than
36 those which were required for the issuance of a license

1 practice chiropractic in the State of California at the time of
2 the issuance of such certificate.

3 SEC. 20. Any or all parts of any act or acts in conflict with
4 this act are hereby repealed.